

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIM NO. 3:05CR234-A
)	
TYRONE WHITE)	

MOTION FOR DISCLOSURE OF FEDERAL GRAND JURY RECORD
BY DEFENDANT

COMES NOW the Defendant, Tyrone White, by and through his undersigned counsel of record, Julian L. McPhillips, Jr., and moves this Honorable Court to enter an Order pursuant to *Rule 12 (B) and 6(E)(3)(C)(ii) of the Federal Rules of Criminal Procedure* and the inherent powers of this Honorable Court directing disclosure of the Grand Jury Record including the Prosecutor's charging instruction, and as grounds therefore states:

1. That the vagueness and ambiguity reflected in the indictment clearly raises and issue of whether the Grand Jury was properly instructed as to the elements of the alleged crimes charged in the indictment, and
2. That disclosure of the Grand Jury Record and the Prosecutor's charging instruction will permit the Defendant to determine whether the Grand Jury had probable cause to issue the indictment in the instant matter.

Wherefore, Defendant prays this Honorable Court for an Order directing disclosure of the Grand Jury Record.

Respectfully submitted this 19th day of October, 2005.

By: Electronically signed by
JULIAN L. MCPHILLIPS, JR. (MCP004)
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OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Disclosure of Federal Grand Jury Transcript was served via hand-delivery on this the 19th day of October, 2005, upon:

Todd Brown
Assistant United States Attorney
One Court Square., Ste. 201
Montgomery, AL 336104

Electronically signed by
JULIAN L MCPHILLIPS JR